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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

CR No. 11-98-RE

Plaintiff,

**AFFIDAVIT OF COUNSEL IN SUPPORT
OF FIRST UNOPPOSED MOTION TO
CONTINUE TRIAL DATE**

VS.

GUY LORD MATTALIANO,

Defendant.

STATE OF OREGON)
) ss.
County of Multnomah)

I, Ruben L. Iñiguez , being duly sworn, hereby depose and say:

1. I represent Guy Lord Mattaliano, who is charged with Possession of a Firearm with a Removed, Altered or Obliterated Serial Number.

2. On March 2, 2011, Mr. Mattaliano appeared for arraignment. The Court scheduled a jury trial for May 3, 2011. There have been no prior continuances of the trial date.

3. A continuance of the trial date is necessary to provide the government with additional time to complete its production of discovery. A continuance is also necessary to afford the defense adequate time to review discovery, to meet with Mr. Mattaliano, who is out of custody, for the purpose of reviewing and discussing discovery, to conduct independent investigation, to perform legal research into possible defenses, to research and file pretrial motions, and to otherwise prepare for trial.

4. Denial of a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(A).

5. I have discussed this requested continuance with Assistant United States Attorney Gregory Nyhus, who indicated that the government has no opposition to the request.

6. I also have spoken with Mr. Mattaliano, explained the reasons for requesting a continuance, and explained the rights that he has under the Speedy Trial Act. Mr. Mattaliano agrees with this request for a continuance and waives his rights under the Speedy Trial Act.

7. This affidavit is made in good faith and in support of Mr. Mattaliano's motion for a 60-day continuance of the trial date.

DATED this April 18, 2011.

/s/ Ruben L. Iñiguez
Ruben L. Iñiguez
Attorney for Defendant

SUBSCRIBED AND SWORN TO before me this April 18, 2011.

/s/ Jill K. Inglis
Notary Public for Oregon
My Commission Expires: 2/24/2013